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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

Docket No. CWA-07-2003-0091

1. For the purpose of this proceeding, Respondent admits the jurisdictional allegations of the Complaint.

2. Respondent neither admits nor denies the factual allegations set forth in the Complaint.

3. This Consent Agreement and Final Order resolves violations as alleged in the Complaint under Section 301 of the CWA, 33 U.S.C. § 1311, and conditions of a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and implementing regulations promulgated thereunder.

4. For the purpose of this proceeding, Respondent waives its right to a judicial or administrative hearing to contest the allegations set forth in the Complaint and waives its right to appeal the Final Order accompanying this Consent Agreement.

5. Respondent and Complainant agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

6. Respondent consents to the issuance of the Order hereinafter recited and consents to the payment of the civil penalty as set forth in the Final Order.

7. Each signatory to this Agreement certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order.

8. Compliance with the terms of the Consent Agreement and Final Order satisfies and resolves Respondent's liability for civil penalties for the violations alleged in the Complaint.

FINAL ORDER

Pursuant to Section 309(g) of the CWA, 33 U.S.C. § 1319(g), and based upon information contained in this Consent Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a mitigated civil penalty of Twenty Thousand Dollars (\$20,000) within thirty (30) days of the effective date of this Final Order. This mitigated amount is based

on Respondent's ability to pay. Payment shall be by cashier's or certified check, made payable to "Treasurer, United States of America," and referencing EPA Docket No. CWA-07-2003-0091, and remitted to:

EPA - Region VII
Attn.: Regional Hearing Clerk
c/o Mellon Bank
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251

A copy of the check shall be mailed to:

Julie L. Murray
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
901 North 5th Street
Kansas City, Kansas 66101

2. Respondent's failure to pay any portion of the civil penalty assessed herein in accordance with the provisions of this Order shall result in commencement of a civil action in Federal District Court to recover the total penalty proposed in the Complaint, together with interest thereon at the applicable statutory rate.
3. Respondent and Complainant shall pay their own costs and attorneys' fees incurred as a result of this action.
4. This executed Consent Agreement and Consent Order shall be filed with the Regional Hearing Clerk, U.S. Environmental Protection Agency, 901 North 5th Street, Kansas City, Kansas 66101.

COMPLAINANT:
UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY

By: [Signature]
Leo J. Alderman, Director
Water, Wetlands, and Pesticides Division
Date: 3/15/04

By: [Signature]
Julie L. Murray
Senior Assistant Regional Counsel
Date: 3/15/04

RESPONDENT:
THE CITY OF RICHMOND, MISSOURI

By: [Signature]
Name: THOMAS J. NORMAN
Title: MAYOR
Date: 3/11/04

IT IS SO ORDERED. This Order shall become effective immediately.

[Signature]
Robert L. Patrick
Regional Judicial Officer
Date: March 18, 2004

IN THE MATTER OF The City of Richmond, Missouri, Respondent
Docket No. CWA-07-2003-0091

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Julie L. Murray
Senior Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101


Copy by Certified Mail Return Receipt to:

Sara Toevs Sullivan, Esq.
Shook, Hardy & Bacon
84 Corporate Woods
10801 Mastin, Suite 1000
Overland Park, Kansas 66210-1671

Copy by Facsimile and
First Class Pouch Mail to:

The Honorable Susan L. Biro
Chief Administrative Law Judge
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code 1900L
Washington, D. C. 20460

Dated: 3/18/04


Kathy Robinson
Regional Hearing Clerk